CONFERENCE ON DISARMAMENT

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Principled Position and Proposals on the Issue of Abandoned Chemical Weapons

I

1. The objective of the future convention is the complete prohibition and thorough destruction of all types of chemical weapons and the realization of a chemical-weapon-free world. As the issue of the chemical weapons abandoned in a victim State by another State is of direct relevance to this objective, a just solution will have to be found within the framework of the convention and form an essential part of it. An important consensus to this effect has already been reached in the Conference and its Ad Hoc Committee on Chemical Weapons, and is clearly reflected in the rolling texts of 1990 and 1991.

2. The necessity and relevance of arriving at a solution is self-evident. The act of using and abandoning chemical weapons by a State on the territory of another State is certainly not a mere "historical problem" that concerns only the States directly involved; it is of relevance to the entire international community. Furthermore, the possibility that such acts might be committed again cannot be excluded before the chemical-weapon-free world becomes a reality. The issue of abandoned chemical weapons is, therefore, an important one that has a bearing on the rights and obligations of each and every State party to the convention.

3. The issue of abandoned chemical weapons, being inherently related to definitions of chemical weapons as well as provisions on their use, declaration, destruction, verification, sanctions and cooperation, should be dealt with in a balanced, reasonable and integrated way, and the resulting provisions should become an integral part of the convention. Only then can the convention become truly comprehensive, effective and universal.

4. As an international legal document of unlimited duration, the convention must contain equitable provisions on abandoned chemical weapons, clearly setting forth the rights and obligations of States parties, including the principle that the State which used and abandoned chemical weapons shall bear the responsibility for undoing the consequences of such uses and for

destroying the chemical weapons it abandoned. This is a fair and reasonable principle at all times; only by establishing such a principle can past wrongdoings be duly dealt with and future ones prevented. If, on the other hand, responsibility were imposed on the victim State, it would be not only a great injustice to the victim State, but also tantamount to allowing and encouraging a chemical-weapon-State to use chemical weapons against, and abandon such weapons in, another State whenever it pleases regardless of the consequences. This would obviously run counter to the letter and spirit of the convention.

5. As the circumstances under which chemical weapons were abandoned or will probably be abandoned may not be identical, they should be dealt with accordingly, in a pragmatic fashion. In setting forth the principle that the abandoning State shall bear the responsibility for destruction, the convention should not preclude the possibility that appropriate solutions may be found through consultations among the States concerned.

6. The precise role of the organization to be set up under the future convention in facilitating the solution of the problems of abandoned chemical weapons and in completing the destruction processes should be specified in the convention, and fully adhered to in practice.

II

7. The Chinese delegation has been working actively to promote an early and appropriate solution to the issue of abandoned chemical weapons on the basis of the foregoing position of principle. For this purpose, we now reiterate and further propose the following necessary additions and changes to the relevant paragraphs in the rolling text:

8. Paragraph 3 of Article I should read:

> "3. Each State Party undertakes to destroy chemical weapons which are in its possession or under its [jurisdiction or] control, <u>except as provided in paragraph 5 below</u>."

Furthermore, a new paragraph 5 should be added at the end of Article I:

> "<u>5. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State, and the States concerned may on this basis seek proper solutions through consultations among themselves</u>."

9. A new paragraph on the definition of abandoned chemical weapons should be inserted after paragraph 1 of Article II:

> "<u>The term 'Abandoned Chemical Weapons' means any chemical weapons abandoned in the past or in the future by a State on the territory of another State without its consent during a war or a conflict or under other circumstances</u>."

10. Paragraph 1 (a) (i) of Article III should read:

"(i) Whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control, or whether it has abandoned any chemical weapons in any place in other States;"

Furthermore, paragraph 1 (a) (ii) of Article III should read:

"(ii) Whether it has on its territory any chemical weapons located in any place under the jurisdiction or control of other States or that are under the ownership or possession of other States or have been abandoned by other States;"

11. Two new paragraphs C and D should be inserted in section I of the Annex to Article III (with the original paragraph C renumbered as paragraph E):

"C. Existence of chemical weapons abandoned elsewhere

Yes ...

No ..."

"D. Existence on the territory of any chemical weapons abandoned by anyone else

Yes ...

No ..."

12. Paragraph 1 of Article IV should read:

"1. The provisions of this Article and its Annex shall apply to any and all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction or control or have been abandoned by it in any place in other States."

In paragraph 2 of Article IV, subparagraphs (a), (b) and (d) should read, respectively:

"(a) Specify the precise location, aggregate quantity and detailed inventory of the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control or have been abandoned by it in any place in other States;

"(b) Report any chemical weapons on its territory that are located in any place under the jurisdiction or control of other States or have been abandoned by other States;

"(d) Provide its general plan for destruction of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control or have been abandoned by it in any place in other States."

Paragraph 3 of Article IV should read:

"Each State Party shall, immediately after the declaration under paragraph 2 of this Article has been submitted, provide access to the chemical weapons it owns or possesses, or that are located in any place under its jurisidiction or control, or that it has discovered abandoned by other States, for the purpose of systematic international on-site verification of the declaration through on-site inspection. Thereafter, each State Party shall ensure, through access to the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, or that it has discovered abandoned by other States, for the purpose of systematic international on-site verification and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a chemical weapons destruction facility."

In paragraph 6 of Article IV, subparagraphs (a) and (c) should read, respectively:

"(a) Destroy any chemical weapons it owns or possesses or that are located in any place under its jurisdiction or control, or have been abandoned by it in any place in other States, pursuant to the order of destruction specified in the Annex to Article IV, beginning not later than one year after the Corvention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State Party is not precluded from destroying them at a faster pace;

"(c) Certify, not later than 30 days after the destruction process has been completed, that any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, or that it has discovered abandoned by other States, have been destroyed."

Furthermore, paragraph 7 of Article IV should read:

"7. Each State Party, during its transportation, sampling, storage, and destruction of any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, or have been abandoned by it in any place in other States, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State party shall transport, sample, store and destroy such chemical weapons in accordance with national standards for safety and emissions."

13. A new paragraph C should be inserted under section I of the Annex to Article IV (with the original paragraphs C, D and E renumbered as paragraphs D, E and F, respectively):

"C. Information on abandoned chemical weapons:

1. A State Party that has discovered any abandoned chemical weapons shall declare:

(1) the time of each discovery.

(2) the location of each discovery (name and geographical coordinates).

(3) the types of abandoned chemical weapons discovered by it.

(4) the quantities of abandoned chemical weapons discovered by it.

(5) the treatment given.

2. A State Party that has abandoned any chemical weapons shall declare:

(1) the time of each abandonment.

(2) the location of each abandonment (name and geographical coordinates).

(3) the types of chemical weapons abandoned by it.

(4) the quantities of chemical weapons abandoned by it.

Furthermore, a new provision on "abandoned chemical weapons" should be added after "multi-component chemical weapons" in section III.B of the Annex to Article IV:

"Abandoned chemical weapons

The destruction of abandoned chemical weapons discovered before the date the Convention enters into force shall be completed not later than five years after the entry into force of the Convention; the destruction of abandoned chemical weapons discovered after the date the Convention enters into force shall be completed not later than two years after their discovery."

14. A new paragraph 11 should be added to Article X:

"11. If any State Party discovers on its territory any chemical weapons abandoned by a State not Party to the Convention, or if the abandoning State cannot be identified, the Organization shall, at the request of the State Party that discovers such weapons, provide assistance in the destruction of those abandoned chemical weapons."